IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

Crl.MC.No. 3153 of 2007()

AGAINST THE ORDER DATED 20/04/2007 IN CRMP. 1105 /2007 IN CRA.289/2007 of ADDL. SESSIONS COURT, ALAPPUZHA

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PETITIONER:

MINI THYAGARAJAN, W/O.THAYAGARAJAN,
PANIKKATHU VEEDU, MARARIKULAM P.O.

BY ADV. SRI.V.K.PRAVEEN

RESPONDENTS:

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1. K.P.GEORGE KUTTY,
   KARUKAPARAMBIL,
   KANICHUKULANGARA P.O.,

2. THE STATE OF KERALA,
   rep. By the PUBLIC PROSECUTOR HIGH COURT OF KERALA

BY PUBLIC PROSECUTOR ADV.SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 15/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3153 of 2007

Dated this the 15th day of October, 2007

O R D E R

The petitioner, a woman, has been found guilty, convicted and sentenced in a prosecution under Section 138 of the Negotiable Instruments Act. She preferred an appeal. The appeal was admitted and the sentence was suspended subject to conditions. Inter alia the condition was imposed by order dated 20.04.07 that the petitioner must deposit an amount of Rs.30,000/- within a period of 2 months. The petitioner did not deposit the amount. According to the petitioner, she was laid up and that is why she was not able to deposit the amount. She sought extension of time. That prayer was rejected by Annexure--2 order.

2. The petitioner claims to be aggrieved by that order. After the discussions at the Bar, I am satisfied in the facts and circumstances of the case, that appropriate directions can be issued. The following directions are hence issued.

i) The petitioner shall appear before the learned Sessions Judge on or before 25.10.07 and shall deposit an amount of Rs.10,000/- (Rupees Ten thousand only) before the learned Sessions Judge;

ii) If such amount is deposited, the learned Sessions Judge shall grant the petitioner time till 25.11.07 to deposit the balance amount;

iii) In case the petitioner feels that the petitioner cannot deposit the said balance amount, she can, on 25.10.07, request the learned Sessions Judge for an out of turn expeditious disposal of the appeal, in which event, the learned Sessions Judge must dispose of the appeal itself on or before 25.11.07;

iv) The warrant of arrest issued against the petitioner shall not be executed till 25.10.07.

Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-